

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**PARKERSBURG DIVISION**

VICTOR NUTTER,

Petitioner,

v.

CIVIL ACTION NO. 6:08-cv-00967

EVELYN SEIFERT, et al.,

Respondents.

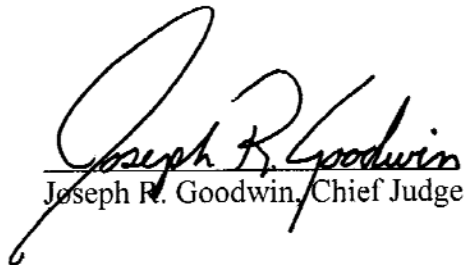
**ORDER**

This action was referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for submission to this court of her proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge's proposed findings and recommendation were filed on August 13, 2008. Neither party has filed objections to the Magistrate Judge's findings and recommendation.

The court reviewed the proposed findings and recommendation and found no clear error. Accordingly, the court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **DENIES** petitioner's Application to Proceed without Prepayment of Fees and Costs and **ORDERS** dismissal of the action without prejudice.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: September 5, 2008



Joseph R. Goodwin, Chief Judge